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Reply Brief 1976-SC-0228

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KYSC1976-SC-0228-03

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REPLY BRIEF

536 S.W. 2d

SUPREME COURT OF KENTUCKY

No. 76-228

HENRY LAWSON and RUBY LAWSON, - Appellants,

versus

NEIL CASWELL, MIRINTHA CASWELL, JAMES
TERRY and DOROTHY TERRY, d/b/a THE
LAWSON SLAUGHTER HOUSE, - Appellees.

APPEAL FROM HARDIN CIRCUIT COURT
HON. J. HOWARD HOLBERT, JUDGE

REPLY BRIEF FOR APPELLANTS

FILED

MAY 27 1976

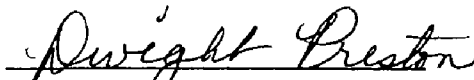
MARTHA LAYNE COLLINS
CLERK

SUPREME COURT

I hereby certify that a true copy of the foregoing was this 26th day of May, 1976, served by mail on Mr. James Collier, 128 West Dixie Avenue, Elizabethtown, Kentucky, Attorney for Appellees; and upon the trial judge, J. Howard Holbert, Hardin Circuit Court, Division I, Hardin County Courthouse, Elizabethtown, Kentucky, pursuant to RAP 1.250.

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PURPOSE OF THE BRIEF

This reply is submitted to clarify a statement made in the Appellees' brief that the Appellants conceded that they agreed not to compete with the Appellees.

SUPREME COURT OF KENTUCKY

No. 76-228

HENRY LAWSON and RUBY LAWSON, - *Appellants*,

v.

NEIL CASWELL, MIRINTHA CASWELL, JAMES
TERRY and DOROTHY TERRY, d/b/a THE
LAWSON SLAUGHTER HOUSE, - - *Appellees*.

REPLY BRIEF FOR APPELLANTS

QUESTION TO WHICH BRIEF IS ADDRESSED

1. Do the Appellants concede that they agreed not to compete with the Appellees?

ARGUMENT

The Appellants Do Not Concede That They Agreed Not to Compete With the Appellees.

On page one, in the Statement of the Case of the Brief for Appellees, a statement is made that "Appellees concede they agreed not to compete with Appellants, but argued the agreement is not binding" (Appellees' Brief p. 1). (Obviously the reference intended is that the Appellants supposedly conceded they agreed not to compete with the Appellees, but that the Appellants argue that the agreement is not

binding. However, Appellants submit this is a misleading statement in that the Appellants at no time conceded or concede that they agreed that they would not compete with the Appellees. In fact, part of the Appellants' argument in their original brief centered around the lack of evidence of any such agreement (see, Brief for Appellants, Argument II).

To clarify, the Appellants respectfully submit that the evidence does not support, nor have the Appellants at any time conceded that they agreed not to compete with the Appellees.

CONCLUSION

The original brief filed by Appellants herein adequately covers all the other grounds and contentions. Therefore, the Appellants will not rehash these issues. However, the Appellants do reiterate all of the original arguments made in their original brief, and once again respectfully submit that this Court should reverse the lower court and direct a verdict against the Appellees on behalf of the Appellants, and grant the Appellants further relief demanded and asked for in their original Appellants' brief.

Respectfully submitted,

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